

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed January 29, 2003. The fee for addition of new claims (or conversion of claims from dependent form to independent form) is included herewith. A Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee.

Claims 1-16 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected Claims 1-16. The present Response cancels Claim 16, amends Claims 1, 2, 5, 7-11, and 15, and adds new Claims 17-25, leaving for the Examiner's present consideration Claims 1-15, and 17-25. Reconsideration of the rejections is requested.

I. REJECTIONS UNDER 35 U.S.C. §112

Claims 11-15

The Examiner rejected Claims 11-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner describes "transmitter/receiver" in Claim 11, lines 6 and 9 as ambiguous, because "it is not clear if the claimed limitation should be read as 'transmitter or receiver' or 'transmitter and receiver.'" Detailed Action, page 2. Claim 11 has been amended to more clearly describe the invention, reciting "a means for transmitting *and* receiving" and is no longer ambiguous; therefore, Applicant requests that the rejection of Claim 11 under 35 U.S.C. § 112 be withdrawn.

The Examiner rejected Claims 12-15 solely as being dependent on a rejected base claim (Claim 11). Because it is believed that Claim 11 satisfies 35 U.S.C. 112, second paragraph, Claims 12-15 are believed

to be in proper form. Therefore, Applicant requests that the rejection of Claims 12-15 under 35 U.S.C. § 112 be withdrawn.

II. REJECTION UNDER 35 U.S.C. §103(a) OVER TAMAI (U.S. PATENT 5,608,635) IN VIEW OF SATO (U.S. PAT 5,906,654) AND FURTHER IN VIEW OF MYR (U.S. PAT 6,480,783) AND TAKANABE ET AL. (U.S. PAT. 5,359,527)

Claims 1-16

The Examiner rejected Claims 1-16 under 35 U.S.C. §103(a) over *Tamai* in view of *Sato* and further in view of *Myr* and *Takanabe*. Applicant respectfully traverses the rejections of Claims 1-15.

According to the Examiner, *Tamai* “teaches a method for obtaining a travel time which comprises: requesting a search category from a user...obtaining a plurality of locations in the search category.” Detailed Action, page 3. Applicant respectfully submits that *Tamai* fails to teach or suggest all of the features of Claims 1, 10 and 11 because it fails to teach or suggest either a method comprising “receiving at a remote location a search category from a communication device...and transmitting...from the remote location to the communication device; wherein the communication device is one of a telephone and a personal digital assistant” as recited in Claims 1 and 10, or a system comprising a “means for transmitting and receiving coupled to the communication device...wherein the communication device is one of a telephone and a personal digital assistant” as recited in Claim 11.

Referring to Fig. 1, *Tamai* describes a vehicle navigation system 10 wherein information is fed to a microcomputer from an input unit 32, and guidance display data 40 is forwarded to a display unit 42, thereby informing the driver “in real time of what direction to take to follow the chosen route.” *Tamai* col. 4, lines 50-55. Nowhere does *Tamai* teach or suggest “receiving at a remote location a search category from a communication device” and “transmitting...from the remote location to a communication device, wherein the communication device is one of a telephone and a personal digital assistant,” as recited in Claims 1 and 10.

Further, *Tamai* describes feeding information to a microcomputer from an input unit 32 and forwarding guidance display data 40 to a display unit 42. Nowhere does *Tamai* teach or suggest a “means for transmitting and receiving coupled to the communication device,” as recited in Claim 11.

Sato, Myr, and Takanabe fail to remedy these deficiencies. Referring to Fig. 1, *Sato* discloses “a cellular telephone 11 [that] connects the navigation apparatus to a traffic information center...to receive road traffic information...Road traffic information processing section 12 extracts information received by the cellular telephone 11” (Emphasis added). *Sato* col. 4, lines 27-30. *Sato* discloses a system that only receives information from a cellular telephone. Nowhere does *Sato* disclose “transmitting...to the communication device” as recited in Claims 1, 10 and 11.

Myr discloses a traffic guidance system, which is capable of providing optimal route information when traffic jams may be present. The guidance system communicates the optimal route by “[displaying the optimal route] on the vehicle’s computer screen featuring the digital map of the relevant region and/or via audio instructions” (Emphasis added). *Myr* col. 2, lines 12-21. Referring to FIGs. 2 and 11, *Takanabe* discloses a navigation system having an input section 8 for allowing a user to input general destination (step 31), a navigation processing section 9 for deciding a concrete destination according to the general destination input (step 32) and a display 13 for displaying search results (step 34). See *Takanabe*, generally col. 4, lines 30-60. Nowhere does *Myr* or *Takanabe* teach or suggest either “receiving at a remote location a search category from” and “transmitting...from the remote location to the communication device, wherein the communication device is one of a telephone and a personal digital assistant,” as recited in Claims 1 and 10 or a “means for transmitting and receiving coupled to the communication device” as recited in Claim 11.

The Examiner further argues that “as per Claim 9, 11-12, 14, refer to discussion in Claim 1 above, further, using a cell phone with transceiver and receiver as a navigation display device, and using a computer

as a processing device, and a persistence storage device storing map data *would have been well known*" (Emphasis Added). Detailed Action, page 4. This assertion is contrary to the teachings of the prior art. For example, as described above, *Sato* discloses "a cellular telephone 11 [that] connects the navigation apparatus to a traffic information center...*to receive* road traffic information...Road traffic information processing section 12 extracts information *received by* the cellular telephone 11" (Emphasis added). *Sato* col. 4, lines 27-30. *Sato* discloses a system that only *receives* information from a cellular telephone. *Sato* teaches the use of a cell phone in a specific way, i.e. to **receive** road traffic information without interaction from a user. *Sato* teaches **away** from the use of a cell phone with a transceiver and receiver as a navigation device by defining a specific purpose and use of the device.

Further, *Tamai*, *Myr*, and *Takanabe* all disclose vehicle navigation systems having features dependent on use of a vehicle (for example, in *Tamai* a direction sensor 24 and a distance traveled sensor 28 is described, in *Myr* "a system and method for real time vehicle guidance by Central Traffic Unit [is] presented...[with] Units including GPS units" (see *Myr* abstract), in *Takanabe* a vehicle position detecting system 15 is used by the navigation processing section 9). In contrast, Applicant's invention does not require integrating vehicle-specific systems. Applicant therefore respectfully submits that "using a cell phone with transceiver and receiver" as called for in Claims 9, 11-12 and 14 is not well known. Applicant traverses the assertion that "using a cell phone with transceiver and receiver as a navigation display device, and using a computer as a processing device, and a persistence storage device storing map data would have been well known" and requests that the Examiner "cite a reference in support of his or her position" per MPEP 2144.03.

Since *Tamai* in view of *Sato* and further in view of *Myr* and *Takanabe* fails to teach or suggest all of the features of Claims 1, 10 and 11, the combination of those references cannot render Claims 1, 10 and 11 obvious under 35 U.S.C. §103(a). Dependent claims have at least the features of the independent claim

from which they depend; therefore, *Tamai* in view of *Sato* and further in view of *Myr* and *Takanabe* cannot render Claims 2-9 (which depend from Claim 1) and Claims 12-15 (which depend from Claim 11) obvious under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests the withdrawal of this rejection.

III. NEW CLAIMS

Claims 17-25

Applicant respectfully submits that new Claims 17-25 are allowable over the prior art. No new matter has been added by the addition of new Claims 17-25.

IV. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including May 29, 2003.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

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